

RESPONSE AND REMARKS

The Examiner organized the Office action by numbered topics. In this Response, responsive remarks may refer to the Office action topic numbers with the abbreviation "Office Action, Topic No. #, p. #."

SECTION 103 REJECTIONS

In the Office Action (Topic Number 2, p. 2), Claims 1-10, 19-26, 39-65, 77-86, 95-102, 115-124 and 133-140 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwab et al., (U.S. Application Publication No. US 2002/0019777, "Schwab") in view of Siegel (U.S. Application Publication No. US 2004/01435519, "Siegel").

In the Office Action (Topic Number 7, p. 4), Claims 10-12, 27, 48-50, 65, 86-88, 103, 124-126 and 141 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwab and Siegel in view of Kara (U.S. Patent No. 6,233,568 "Kara").

In the Office Action (Topic Number 10, p. 5), Claims 13-21, 27, 51-59, 65, 89-97 and 127-135 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwab, Siegel and Kara as applied to claims 11, 49, 87 and 125 above, and further in view of UPS® Service Guide (www.ups.com, "UPS") and FedEx® Services (www.fedex.com "FedEx") and Barnett et al., (U.S. Patent No. 6,369,840 "Barnett").

RESPONSIVE REMARKS REGARDING SECTION 103 REJECTIONS

The rejections of the Claims have been carefully considered. The Claims have been amended to more distinctly recite the claimed invention. It is respectfully submitted for the reasons given below, that the amended Claims are patentably distinct from all of the references of record, whether considered alone or in combination.

The Subject Matter of Claim 1 of an Online Retail System's Display of Returnable Items Comprising Shipped Items Purchased Through the Online Retail System is Patentably Distinct From the References of Record

It is respectfully submitted that the amended limitations of independent Claim 1 that are directed to a display through an online merchant's retail computer system of an

identification of returnable items comprising shipped items that were purchased by a consumer through the online merchant's retail computer system are patentably distinct from the references of record.

As compared to an online store's displaying as returnable items, shipped items purchased by a consumer through that online store, Siegel describes a server system that creates a transaction listing of items a user has purchased from various retailers. Siegel, ¶0026. Siegel discloses a display of the purchases the user has made from the various retailers. See, e.g., Siegel, FIG. 1A.

As compared to a display to the consumer through the online merchant's retail computer system through which items were purchased, for the reasons given below, Siegel describes a system that combs numerous data bases in order to "gather" information to populate a transactions database. See Siegel, FIG. 2, element 215 ("Transaction Database"); Siegel, FIG. 5, element 535 ("Gather Transaction History for User"); Siegel, ¶0045. Siegel explains that the transactions are gathered from a collection of databases for multiple retailers and other sources. Siegel, ¶0045 ("... transactions database 215 can be maintained at another location as well as created real-time from a collection of databases located at member retail sites, credit card sites or other data bases."); see also, e.g., Siegel, ¶0008 ("the method preferably includes identifying a user, gathering a transaction history associated with the identified user and displaying the transaction history associated with the identified user").

It is respectfully asserted, for the following reasons, that various embodiments of the above-outlined limitations of Claim 1 would be patentably useful over Siegel.

It is respectfully submitted that, according to Siegel, in order for a user of Siegel to view the Siegel listing of a particular purchase, the user would need to have previously made the purchase through another website. See, e.g., Siegel, ¶0026 ("The server system adds transaction listing 101 and detailed item description 104 to each web page for the item(s) the user has purchased from various retailers."); see also, e.g., FIG. 1A.

In order to return the purchased item, it is respectfully asserted that the Siegel user would subsequently need to log in to the Siegel website to view the Siegel listing of purchases made by the user from various retailers and to arrange for a return of the

item. See, e.g., Siegel, ¶0008 (“the method preferably includes identifying a user, gathering a transaction history associated with the identified user and displaying the transaction history associated with the identified user”).

As compared to needing to enter a website outside of an online retailer's website, the Specification of the present application describes an exemplary embodiment that facilitates returns processing for a customer of an online store to return an item purchased through that online store, from within that online store. See, e.g., Specification, p. 4, lines 7-10; Specification, p. 5, lines 31-35; Specification, p. 33, lines 11-16. As compared to needing to enter a website outside of the online retailer's website through which the item was purchased, the amended limitations of Claim 1 recite “... in response to the indication of shipment [of an at least one item of merchandise purchased ... through the online retail computer system], designate the at least one item as a returnable item; ... in response to [a] request [for an identification of returnable items], generate a display through the online retail computer system to the consumer of the identification of returnable items....” It is respectfully asserted that rather than having to log on to a website external to an online retailer as disclosed in Siegel, a user of various embodiments of the limitations of Claim 1 would be able to view a listing of items purchased and shipped, and select one of the items for return processing (see Claim 1 reciting “... receive a merchandise return request ...”), using the same online website through which the purchases were made.

As further distinguished from Siegel, amended Claim 1 claims designating an item that has been shipped, not merely purchased, as a returnable item. It is respectfully submitted that although Siegel mentions listing purchased items as returnable, Siegel does not describe any consideration of a shipment status of an item before listing an item for return. It is respectfully asserted that various embodiments of the limitations of Claim 1 would be useful over the Siegel system in that only shipped items would be listed as returnable, thereby preventing possibly confusing listing of items purchased but not yet shipped as returnable as would be possible under Siegel.

For the above-given reasons, because it is respectfully asserted that amended independent Claim 1 is patentably distinct from the references of record, it is

respectfully asserted that the Claims that are dependent on Claim 1, namely, Claims 2-21, are therefore also patentably distinct from the references of record.

The Subject Matter of Claim 22 (and For Similar Reasons Claims 39, 60, 77, 98, 115, and 136) to Credit a User's Credit Card Account for a Return Amount in Response to an Indication of Receipt of a Returned Item is Patentably Distinct From the References of Record

It is respectfully submitted that the amended limitations of independent Claim 22 that are directed to crediting a user's credit card account for a return amount in response to an indication of receipt of a returned item are patentably distinct from the references of record. An exemplary embodiment of the subject matter of amended Claim 22 is described in the Specification of the present application:

Once the Merchant, such as one of the Merchant's Warehouses, has received the returned package, the Merchant acknowledges 4417 to the Merchant's System 4001a, which in turn acknowledges in the form of a Return Received API request 4418 to the iReturn Merchant Service System 4000, receipt of the returned package. In the exemplary embodiment depicted in FIG. 70, the iReturn Merchant Service System 4000 acknowledges receipt of the returned item 4419 at which point, the Merchant's System 4001a credits the Customer's Credit Card Company 4421 account for the returned item (less the shipping charges) 4420. The Merchant's System 4001a then displays for the Customer a credit for the returned item less shipping charges 4422.

Specification, p. 78, line 28 – p. 79, line 3.

As compared to crediting a user's credit card account in response to an indication of receipt of a returned item as claimed in amended Claim 22, Siegel does mention crediting a user, but describes providing a credit only after "... dispos[ing] of the returned merchandise ..." Siegel, ¶ 0057. Only after the merchandise has been disposed of, does Siegel describe crediting the proceeds of the disposal to the user. Siegel, ¶ 0058; see also, e.g., Siegel, FIG. 6B.

It is respectfully asserted that various embodiments of the claimed limitations of amended independent Claim 22 would be useful over Siegel in that a return amount would be credited to the consumer's credit card account upon acknowledgment by the

relevant retailer of receipt of the returned item rather than after some process of disposing of the item was completed.

For the above-given reasons, because it is respectfully asserted that amended independent Claim 22 is patentably distinct from the references of record, it is respectfully asserted that the Claims that are dependent on Claim 22, namely, Claims 23 and 26, are therefore also patentably distinct from the references of record.

Further, for reasons similar to those given above with respect to independent Claim 22, it is respectfully asserted that independent Claims 39, 60, 77, 98, 115, and 136, and the Claims dependent on them (Claims 40-59, 61, 78-97, 99, 116-135 and 137) are also patentably distinct from the references of record.

The Subject Matter of Claim 24 (and For Similar Reasons, of Claims 62, 138 and 141) to Generate a Display of Carriers for Shipping a Returned Item According to a Merchant's Indication is Patentably Distinct From the References of Record

It is respectfully submitted that the amended limitations of independent Claim 24 that are directed to generating a display of carriers for shipping a returned item according to a Merchant's indication of carriers are patentably distinct from the references of record. An exemplary embodiment of the subject matter of amended Claim 24 is described in the Specification of the present application:

Using the Return Shipping Options Screen as depicted in FIG. 12, the Merchant/User defines Online Shipping Options 185. If the Merchant agrees to pay for shipping returns, the Merchant/User checks the Merchant Pays option 186 and selects the shipping carriers and service options 187-1 through 190 for which the Merchant will agree to pay. If the Merchant does not want to pay for shipping returns, then the Merchant checks the Customer Pays option 191 and selects the carriers, e.g., 192-195, with which the Consumer may chose to ship the return. If the Merchant checks both the Merchant Pays option 186 and the Customer Pays option 191, then the Return System applies the Merchant Pays option 186 to "justified" returns, and the Customer Pays option 191 to "unjustified" returns.

Specification, p. 25, lines 14-22.

Continuing with FIG. 25, the Return Summary Screen prompts the Consumer to select one of the Merchant's choices of Carriers 187-1, 188-1, 190 and 184. The Return Summary Screen also prompts the Consumer to indicate whether 433 or not 434 the returned item is in its original packaging 432. By pressing the onscreen "Next Step >>" button 422, the Return System displays a Label Create Screen.

Specification, p. 36, lines 20-24.

It is respectfully submitted that there is no disclosure in Siegel or any of the references of record of a selection by a Merchant of carriers from which a consumer can choose for shipping a return item.

It is respectfully asserted that various embodiments of the subject matter of amended independent Claim 24 would be more useful than the system described in Siegel and the other references of record, in that providing a Merchant with the ability to select compatible and/or favorite carriers for shipping returns would allow the Merchant more control over return shipping quality and costs.

For the above-given reasons, because it is respectfully asserted that amended independent Claim 24 is patentably distinct from the references of record, it is respectfully asserted that the Claim that is dependent on Claim 24, namely, Claim 25, is therefore also patentably distinct from the references of record.

Further, for reasons similar to those given above with respect to amended independent Claim 24, it is respectfully asserted that independent Claims 62, 138 and 141 (and the Claims dependent on them, namely, Claims 63-64, and 139-140), are therefore also patentably distinct from the references of record.

The Subject Matter of Claim 27 (and For Similar Reasons, Claims 65 and 103) to Generate a Display of Rates for Carriers for Shipping a Returned Item According to a Merchant's Input of a Set of Return Policy Rules is Patentably Distinct From the References of Record

For reasons similar to those given above with respect to the subject matter of amended independent Claim 24, it is respectfully submitted that the limitations of independent Claim 27 that are directed to generating a display of rates for various

delivery services offered by carriers for shipping a returned item according to set of return policy rules input by the merchant are patentably distinct from the references of record.

Further, for reasons similar to those given above with respect to the subject matter of amended independent Claim 24 and independent Claim 27, it is respectfully submitted that independent Claims 65 and 103 are therefore also patentably distinct from the references of record.

The Subject Matter of Claim 100 for Identifying at Least One Item as an Exception to Standard Return Policy Rules is Patentably Distinct From the References of Record

It is respectfully submitted that the amended limitations of independent Claim 100 that are directed to return policy rules comprising an identification of at least one item as a policy rule exception are patentably distinct from the references of record. An exemplary embodiment of the subject matter of amended Claim 100 for exception processing for a Merchant's return and exchange policy is described in the Specification of the present application:

Returning to FIG. 7, if the Merchant/User selects the Policy Exceptions menu item 111, the Return System displays a Policy Exceptions Screen. FIG. 15 is a graphic representation of an exemplary Policy Exceptions Screen in an exemplary embodiment of the invention. The Policy Exceptions Screen displays explanatory text 270 for the Merchant/User describing the uses of the Policy Exceptions function. The Merchant/User can choose to establish Policy Exception Categories 271, Items 272 or Customers 273.

Specification, p. 27, lines 26-31. See also, e.g., Specification, p. 13, line 24.

It is respectfully asserted that the provision by various embodiments of the above-mentioned limitations of Claim 100 would be patentably useful over the references of record in that such exception definition and processing would provide a merchant with the ability to establish general return rules for broad categories of merchandise and designate certain items as exceptions to the general return rules.

For the above-given reasons, because it is respectfully asserted that amended independent Claim 100 is patentably distinct from the references of record, it is respectfully asserted that the Claims that are dependent on Claim 100, namely, Claims 101-102, are therefore also patentably distinct from the references of record.

CONCLUSION

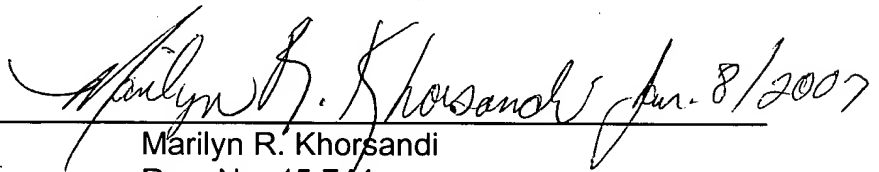
All of the rejections rely in one way or another on the Siegel reference. Because for the foregoing reasons, it is respectfully asserted that the amended Claims are patentably distinct from Siegel in the ways described above, it is therefore respectfully asserted that none of cited references, or any of the other references of record, whether considered alone or in combination with each other, disclose, teach or suggest all of the limitations of the Claims, as amended, of the present application. For example, it is respectfully asserted that none of Schwab, Kara, UPS, FedEx, or Barnett disclose, anticipate, teach or suggest all of the limitations of the amended Claims.

Therefore, in view of the foregoing amendments, and for the foregoing reasons, it is respectfully asserted that the invention disclosed and claimed in the present application as amended is not fairly taught by any of the references of record, taken either alone or in combination and that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be reconsidered and allowed.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By

A handwritten signature in dark ink, appearing to read 'Marilyn R. Khorsandi', is written over a horizontal line. To the right of the signature, the date 'Aug. 8/2007' is handwritten.

Marilyn R. Khorsandi

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